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ABSTRACT

Legislation in the State of California has mandated bilingual programs. They must be included by administrators developing mainstream curricula for California schools. Not all program administrators have complied with this legislation. Legal requirements for bilingual programs have raised philosophical, legal and teacher morale problems for administrators. And, even though the laws mandate strict enforcement, program management is defined within the law and does not include a bilingual program administrator. In addition, while the "process" is mandated by law, "products" are not identified so this leads to problems with program/student evaluations. It can be concluded that program administrators must begin to question and discuss formats for the new legislation related to bilingual education. (Author/EB)

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# OBSTACLES IN THE ADMINISTRATION OF BILINGUAL PROGRAMS

( A PAPER PRESENTED AT THE ASSOCIATION OF MEXICAN AMERICAN EDUCATORS ANNUAL CONFERENCE )

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OBSTACLES IN THE ADMINISTRATION OF BILINGUAL PROGRAMS

AMAE STATE ANNUAL CONFERENCE

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OBSTACLES IN THE ADMINISTRATION OF BILINGUAL PROGRAMS

(STATE ANNUAL CONFERENCE OF THE ASSOCIATION OF MEXICAN AMERICAN EDUCATORS)

DR. RAFAEL ESTUPINIAN

Because of the implications for K-12 curriculum, both explicit and suggested, that are contained in new legislation, bilingual programs can no longer exist in an isolated context. In the past this has not been the case. Historically, and largely due to guidelines imposed by Federal and State funded programs, they have existed in educational "pockets" in which there was often little articulation with the regular school program. This was largely due to the fact that ESEA Title VII Programs, as the first recognizable bilingual programs, were innovative and experimental and varied greatly in configuration. Because methodologies were primitive and in a developmental state, there was often great disparity in the type and quality of instruction which existed in bilingual education programs when we compared them with regular main-stream programs. ESEA Title VII programs, because of their competitive nature, could legitimately vary in instructional format from on locale to another, and one could find variations ranging from traditional methods to highly sophisticated individualized programs. Often, there was little correlation between federally funded Title VII programs and State Compensatory Education efforts. Added to the variation in curriculum, was the problem of obtaining suitable instructional materials. Usually, these were materials from a foreign country or rather crude efforts developed by program staff.

Almost overnight, this situation has changed. As soon as State and Federal legislation began to set a direction for curriculum, a number of commercial publishers climbed aboard the bilingual "band wagon" and began producing highly

attractive, and for the most part, relatively sound educational materials. All of these materials reflected the need to teach reading and math in the primary language and were based on a continuum of skills. (Development of curriculum areas not mentioned in the legislation are neglected by commercial publishers, i.e.; science, music, etc.)

Unfortunately, not all program administrators have kept pace with the type of educational technology necessary to meet the instructional mandates which have come from State and Federal Government. Most program managers do not possess a sufficient degree of understanding of the processes involved in the individualization of instruction. Most often, this is left to a few resource teachers who have the necessary skills. A new orientation into total curriculum is needed for program managers as well as a different operational approach which would incorporate the bilingual curriculum into regular instruction. This paper proposes to present a contemporary context for Bilingual Education Programs in the State of California and to outline some of the difficulties facing program administrators.

Because of three important pieces of legislation, LAU vs. Nichols, (as interpreted by the Task Force Remedies), AB 1329, AB 65, and AB 3470 bilingual programs in the State of California must now be seen as "integral" programs and need become a routine consideration for administrators developing mainstream curricula for California Schools. Bilingual Programs are no longer "ancillary" or adjunct programs. Bilingual modalities of instruction are now mandated and have become the legal right of children from a linguistically different heritage.
Even the selection of the bilingual modalities to be used in a program

is limited to what current legislation encompasses.

Consequently, a philosophical and legal gap between what is a mandated program and what is a compensatory education program has begun to grow. Because of economic and political constraints, school districts are never serious in the implementation of bilingual programs until they come under the scrutiny of the U.S. Office of Civil Rights or are faced with a curtailment of money. If a program is mandated by law, it should be routinely offered by a school district and not thought of as compensatory in nature. Unfortunately, the reverse is often true. Since the only compliance screening done by the State, is done in schools receiving compensatory funding, by association, bilingual programs are thought of as a form of compensatory education. This problem is complicated even further under AB 65. In this legislation, NES/ LES youngsters* become "special need" youngsters and their instructional fate largely depends upon the quality of school plans developed through processes outlined in the legislation, although in a larger context, districts will be obliged to observe legal compliance. This could very well signal the beginning of an identity crisis for Bilingual Education in the State of California. Because State programs have lost their financial separation, program management, as such, becomes part of a more global process.

If we briefly sketch legal requirements under new forms of legislation relating to Bilingual Education, we will see the way in which curriculum has become legally mandated:

*NES = Non English speaking, LES = Limited English peaking

I. LAU Vs. Nichols and the Task Force Remedies

a. Identification of students to be served and their classification.

b. Achievement testing to determine under achievers

c. Language proficiency testing (English - Spanish)

d. ESL instruction for NES/LES

e. Primary language instruction for NES/LES in Reading, Language Arts and Math development from a continuum of skills

f. Individualized learning programs for those students whose uner-achievement is due to linguistic obstacles.

2. AB 1329

a. Identification by means of the State Census

b. Language Proficiency Assessment (English-Spanish)

c. Pre-Post Achievement testing

d. At grades K-6, if there are 10 or more NES/LES at a grade level.

ESL plus primary language instruction in Kdg., Language Arts and Math. At grade K-6, if there are 10 or less NES/LES at a grade level, Bilingual Individual Learning Programs.

e. At grades 7-12, for NES/LES, ESL plus supportive instruction in the primary language in subjects needed for graduation.

f. Documentation of transition and exit

3. AB 65

a. Incorporates all legal provisions of AB 1329, but involves parents and staff more directly in program planning.

To understand the curricular impact of these mandates, one must understand the manner of their enforcement. LAU vs. Nichols has clearly delineated implications for curriculum, because the document which outlines the manner of implementation for the court decision, i.e. The Task Force Remedies, sees bilingual curriculum in only one manner, an individualized approach. The U.S. Office of Civil Rights in enforcing compliance, refers Districts to the LAU Centers as a technical resource and they in turn obligate the development of curriculum according to the LAU remedies. These remedies call for individualized programs which teach to an established continuum of skills. AB 1329, now a part of the State of California Education Code, reinforces this point of view, inasmuch as the State Compliance Screening Instrument really incorporates LAU thinking, but goes one step further in mandating Bilingual Individual Learning Programs in schools where there are low concentrations of NES/LES students. AB 65 reinforces both LAU and AB 1329 except that State "bilingual" programs, as such, really lose their identity for funding purposes. There is a great dichotomy in the fact that legal program requiremtns for bilingual education are clearly defined by one aspect of California State law while yet another aspect (AB 65) calls for a developmental process.

Experts and researchers in curriculum development forsee a great peril in such rigid federal and state control over the instructional process, even though the intent of the legislation is altruistic and humanitarian. Even if one accepts the individualized diagnostic/prescriptive approach as representative of vanguard thinking, one cannot help but make some very pertinent observations.

1. How would we escape legal mandate, explicit and implied, if educational research should show that another pedagogical strategy might be better? (Consider for example, current work being done in field dependent and field independent learning styles).
2. What will the effect be upon individual teacher creativity and innovation?
3. Are we, in a sense, subsidizing commercial developers of curriculum, who already know that if a series is developed along mandated lines, it is instantly marketable?
4. What will be the result, if district continue are set at a level that will assure favorable achievement results?
5. And finally, do bilingual teachers presently have sufficient technical expertise to develop varied strategies for teaching to a skills continua or will the result be a sterile classroom tied to a format developed by a district or accepted "in toto" from a commerial source.

It is quite possible that we have worked ourselves into a curriculum "straight jacket" in which there is very little room to wiggle.

The Bilingual Program Quality Review Instrument presents two major problems to administrators. Not all administrators are prepared to cope with these areas:

1. The methods presented in the glossary, i.e.; preview-review, back to back, concurrent etc. are really only archaic program formats and do not really address themselves to the type of

instruction being reviewed by the instrument. (There are no provisions for the special methodologies required in Asian language programs.)

2. Bilingual teaching personnel, both certificated and classified staff, have experienced a tremendous lowering of morale because they feel "singled out" and faced with obligations not expected from mainstream teachers. Not only classroom methods, but even classroom records are now subject to scrutiny. Tension and feelings of pressure are high among bilingual teachers. Many individuals, highly skilled teachers, are considering leaving the field. A classic complaint has arisen. Why are the people who have labored in bilingual education and supported the philosophy since its inception, the very persons who must bear the brunt of compliance?

One of the major problems faced by Bilingual Administrators is the relative inability to produce a meaningful product-process evaluation. In spite of this, evaluations continue to be produced. In actuality, they have little real application or statistical validity. The major reason is that educational research in bilingual education has not kept pace with legal expectations. For example, there are no meaningful criteria for student transition out of primary language instruction and into English language programs. What is even more significant is that even the State Department of Education cannot produce significant criteria for student exit out of bilingual instructional programs

even though existing law compels districts to document the number of students who have made transition. In view of this obstacle, it is virtually impossible to establish the success or failure of bilingual programs. Norm-referenced achievement testing is the exclusive key to program quality and because of a lag in the development of testing instruments, it remains a dubious measure even though it is recommended by the Task Force Remedies. Furthermore, the product-process evaluation is futile in itself. The "process" is mandated by law, but we cannot identify the "products". From a researcher's point of view, bilingual programs assume a capricious and elusive quality. In view of the present situation, a bilingual program administrator is in a position which is untenable from an operational point of view. He is often a "middle manager" with no clout, even though the laws mandate strict enforcement and common sense requires that bilingual programs become an integral part of school district operation. Managers are obligated to work with school principals but they are not given an evaluative role or administrative and supervisory power. In most cases, the position of a bilingual manager is not seen at the level of the Superintendent's Cabinet, so that participation in school district processes must often pass through two or three other administrators. This presents a series of problems: 1) There is no real input for decision making; 2) Bilingual curriculum cannot really be articulated with total district operation; 3) Service programs have replaced experimentation and demonstration and mandated by law; 4) and finally, there is no real connection with all of the cotidian and operational areas which are a normal part of school district processes.

In actuality and because of AB 65, the Bilingual Program Administrator has become an "extinct" entity. Program management is defined within the law. It is largely de-centralized and does not include the Bilingual Program Administrator. New administrative staffing patterns which can be reconciled with legal requirements must be developed.

Suggestions and Recommendations:

In my opinion, Program Administrators must shed their posture of complacency and begin to question and discuss format of the new legislation related to bilingual education. They must become participants in any process which can be a medium for input, i.e.; professional organizations, Federal, State, and local district committees. They must give input to their legisislators. They must attend State Board meetings. It is imperative that Bilingual Program Managers become deeply versed in curriculum skills. Program administrators need, not only to begin listening to teachers, but to observe the "state of the art" as it is taking place in the bilingual classroom, as well as to measure the acutal proficiency of bilingual staff with what is being legally expected of them. Good administrators will find that they must begin to be teacher advocates. Is the need for compliance, for example, really demoralizing the very individuals who have been the backbone and support of education for the linguistically different child?

Finally, we must first find a forum ... and then begin the dialogue as to whether increasing State control over curriculum can be reconciled with the need

for academic fredom. If we need to change the current trend, the path may be very difficult. We must all ask ourselves the inevitable question ... Have the academic activists who gave impetus to the movement for bilingual education, in a sense been defeated by a self created bureaucratic process? The answer might surprise us!